



Richard J. Berry, Mayor

AIR QUALITY CONSTRUCTION PERMIT #3292
FACILITY CDS #NM/001/02403
Facility ID: FA0007055; Record ID: PR0008190



Mary Lou Leonard, Director

Issued to: C & C Services Commercial
Construction LLC
2901 2nd St SW
Albuquerque, NM 87105

Certified Mail #7016 1370 0000 2023 5683
Return Receipt Requested

Responsible Official: Mr. Luis C. Tarin, Owner

Pursuant to the New Mexico Air Quality Control Act, Chapter 74, Article 2 New Mexico Statutes Annotated 1978 (As Amended); the Joint Air Quality Control Board Ordinance, 9-5-1 to 9-5-99 ROA 1994; the Bernalillo County Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5; the Albuquerque-Bernalillo County Air Quality Control Board (A-BC AQCB) Regulation Title 20, New Mexico Administrative Code (20 NMAC), Chapter 11, Part 40 (20.11.40 NMAC), Air Contaminant Source Registration; and A-BC AQCB Regulation Title 20, NMAC, Chapter 11, Part 41 (20.11.41 NMAC), Construction Permits; **C & C Services Commercial Construction LLC** (Company or Permittee) is hereby issued this **CONSTRUCTION PERMIT** and authorized to operate the following equipment at:

Facility/Location	Facility Process Description	SIC	NAICS
C & C Services 2901 2 nd St SW Albuquerque, NM 87105 13S UTM 348845 E, 3879677 N	300 ton/hr Portable Crushing and Screening Plant	3443	332420

This **CONSTRUCTION PERMIT** #3292 has been issued based on the review of the application received by the Albuquerque Environmental Health Department (Department), Air Quality Program on August 9, 2016, which was deemed complete on August 30, 2016, and on the National Ambient Air Quality Standards, New Mexico Ambient Air Quality Standards, and Air Quality Control Regulations for Albuquerque/Bernalillo County, as amended. As these standards and regulations are updated or amended, the applicable changes will be incorporated into Construction Permit #3292 and will apply to the facility.

Issued on the _____ day of _____, 20____

Isreal L. Tavarez, Environmental Health Manager
Permitting Division
Air Quality Program
Environmental Health Department
City of Albuquerque

I. CONDITIONS-- Conditions have been imposed in this permit to assure continued compliance. 20.11.41.19.D NMAC states that any term or condition imposed by the Department on a permit or permit modification is enforceable to the same extent as a regulation of the Board. Pursuant to 20.11.41 NMAC, the facility is subject to the following conditions:

1. Construction and Operation-- Compliance will be based on Department inspections of the facility, reviews of production records, and timely submission of appropriate permit applications for modifications, equipment substitutions, and relocations.

a) This permit authorizes the construction and operation of the following equipment:

Process Equipment Table

Process Equipment Unit #	Unit Description	Manufacturer	Model Number	Serial Number	Date of Manufacture	Date of Installation	Rated Process Capacity	Unit Subject to NSPS or NESHAP
1	Raw Material Batch Drop (concrete, aggregate)	N/A	N/A	N/A	N/A	N/A	150 ton/hr	No
2	Raw Material Batch Drop (asphalt)	N/A	N/A	N/A	N/A	N/A	150 ton/hr	No
3	Bulk Loading of Main Feed Hopper (at crusher)	N/A	N/A	N/A	N/A	N/A	300 ton/hr	No
4	Screen	TBD*	TBD*	TBD*	TBD*	TBD*	300 ton/hr	Yes
5	Portable Impact Crusher	TBD*	TBD*	TBD*	TBD*	TBD*	300 ton/hr	Yes
6	Conveyor from Crusher (continuous drop finished pile formation)	TBD*	TBD*	TBD*	TBD*	TBD*	300 ton/hr	Yes
7	Loadout from Finished Pile	N/A	N/A	N/A	N/A	N/A	300 ton/hr	No
8	Finished Pile Formation (concrete, aggregate)	N/A	N/A	N/A	N/A	N/A	150 ton/hr	No
9	Finished Pile Formation (asphalt)	N/A	N/A	N/A	N/A	N/A	150 ton/hr	No
10	Haul Roads	N/A	N/A	N/A	N/A	N/A	N/A	No
11	Diesel-Fired Generator	TBD*	TBD*	TBD*	TBD*	TBD*	499 hp	Yes

* TBD – to be determined, see Condition 5(c)

b) All equipment shall be maintained as per manufacturer specifications to ensure the emissions remain at or below the permitted levels.

c) This facility shall be constructed and operated in accordance with information provided on the permit

application received **August 9, 2016** and in accordance with the legal authority specified above and the conditions of this permit.

- d) Prior to any asbestos demolition or renovation work, the Department must be notified and proper permits shall be obtained and Code of Federal Regulations (CFR), Title 40, Part 61 (40 CFR 61) Subpart M may apply.
- e) The portable crushing and screening plant is subject to Federal New Source Performance Standards (NSPS) 40 CFR 60 Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants and Subpart A – General Provisions since Process Equipment Units #4, 5, and 6 were constructed, reconstructed, or modified after August 31, 1983 and are capable of processing greater than 150 tons per hour of material.
- f) Unit #11 is subject to NSPS 40 CFR 60 Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, and Subpart A - General Provisions. Unit #11 will commence construction after July 11, 2005 and will be manufactured after April 1, 2006. Accordingly, Unit #11 shall comply with all applicable requirements of 40 CFR 60 Subparts A and IIII.
- g) The owner or operator of the facility must purchase and install an NSPS 40 CFR 60 Subpart IIII engine to meet model year 2011 or newer emission standards.
- h) National Emissions Standard for Hazardous Air Pollutants (NESHAP) found in 40 CFR 63 Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Source Category: Stationary Reciprocating Internal Combustion Engines apply and this facility shall comply with the specific requirements found in this subpart as well as the general requirements of 40 CFR 63 Subpart A - General Provisions. The permittee shall comply with the specific requirements of Subpart ZZZZ applicable to new engines.
- i) Replacement of emission units for which an allowable emissions limit has been established in the permit may be requested by the permittee through a technical permit revision in accordance with 20.11.41.28.B NMAC.
- j) The equipment specified in Condition 1(a) is considered a portable stationary source as defined by 20.11.41.7.GG NMAC and may be relocated to another site provided the requirements are met in Condition 5(k) prior to the relocation.
- k) The following equipment located at the facility is restricted to operate as follows:
 - i. The portable crushing and screening plant shall not exceed 2,808 hours of operation per year based on a 12-month rolling period.
 - ii. The facility shall operate only between 7:00 AM and 4:00 PM, 9 hours per day, Monday to Saturday, and 52 weeks per year. The facility shall not be operated on Sunday.
 - iii. Truck hauling shall be restricted to occur only between 7:00 AM and 4:00 PM, 9 hours per day, Monday to Saturday, and 52 weeks per year. Truck hauling shall not be conducted on Sunday.
 - iv. The portable crushing and screening plant shall be restricted to a maximum hourly throughput of 300 tons per hour not to exceed a 12-month rolling period material throughput of 842,400 tons. This condition has been placed in the permit based on air dispersion modeling of the facility at this location to demonstrate compliance with the National Ambient Air Quality Standards and New Mexico Ambient Air Quality Standards for NO₂, CO, SO₂, TSP, PM₁₀, and PM_{2.5}.
 - v. Water shall be added to the raw material storage piles prior to loading into main feed hopper. Watering of raw material storage piles shall be done as necessary, but not less frequently than once daily unless

recent precipitation has occurred. This condition is being imposed to maintain a 95% control efficiency of fugitive emissions during crushing, screening, and conveying of materials. Additionally, pursuant to 20.11.20.12 NMAC, "Each person shall use reasonably available control measures or any other effective control measure during active operations or on inactive disturbed surface areas, as necessary to prevent the release of fugitive dust, whether or not the person is required by 20.11.20 NMAC to obtain a fugitive dust control permit. It shall be a violation of 20.11.20 NMAC to allow fugitive dust, track out, or transported material from any active operation, open storage pile, stockpile, paved or unpaved roadway disturbed surface area, or inactive disturbed surface area to cross or be carried beyond the property line, right-of-way, easement or any other area under control of the person generating or allowing the fugitive dust if the fugitive dust may: 1) with reasonable probability injure human health or animal or plant life; 2) unreasonably interfere with the public welfare, visibility or the reasonable use of property; or 3) be visible for a total of 15 minutes or more during any consecutive one hour observation period using the visible fugitive dust detection method in 20.11.20.26 NMAC or an equivalent method approved in writing by the Department."

- vi. In addition to watering raw material prior to loading into the main feed hopper, Process Equipment Units #4, 5, and 6 shall be operated with an atomized water spray bar at all times while the facility is in operation.
- vii. The owner or operator of the facility shall maintain gravel and millings and shall apply water as necessary to all haul road sections. This condition is being imposed to maintain a 95% control efficiency of fugitive dust emissions from haul roads. Additionally, pursuant to 20.11.20.19.B NMAC, "Owners or operators shall use reasonably available control measures on all unpaved roadways and unpaved parking areas and shall comply with the general provisions established in 20.11.20.12 NMAC.
- viii. Unit #11 shall be restricted to a maximum of 2,808 hours of operation based on a 12-month rolling total.
- ix. The permittee shall meet the diesel fuel requirements as required by 40 CFR 60 Subpart IIII §60.4207(b).
- x. The permittee shall operate and maintain Unit #11 according to the manufacturer's written instructions or procedures developed by the permittee that have been approved by the manufacturer. In addition, the permittee may only change those settings that are allowed by the manufacturer. The permittee must also meet the requirements of 40 CFR Parts 89, 94, and/or 1068 as they apply. This condition is Pursuant to 40 CFR 60 Subpart IIII §60.4211.
- xi. In accordance with 40 CFR 63 Subpart ZZZZ §63.6590(c), an affected source that is a new or reconstructed stationary RICE located at an area source "must meet the requirements of this part by meeting the requirements of 40 CFR 60 Subpart IIII, for compression ignition engines." The permittee shall comply with the specific requirements of Subpart IIII applicable to new stationary compression ignition internal combustion engines meeting the definition of a new engine.
- l) Changes in plans, specifications, and other representations proposed in the application documents shall not be made if they will increase the potential to emit or cause a change in the method of control of emissions or in the character of emissions. Any such proposed changes shall be submitted as a modification to this permit. No modification shall begin prior to issuance of a permit.
- m) The emission of a regulated air pollutant in excess of the quantity, rate, opacity, or concentration specified in an air quality regulation or permit condition that results in an excess emission is a violation of the air quality regulation or permit condition and may be subject to an enforcement action. The owner or operator of a source having an excess emission shall, to the extent practicable, operate the source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. This condition is pursuant to 20.11.49.14 NMAC.

2. **Unit Emission Limits**-- Condition 2, Unit Emission Limits, has been placed in the permit in accordance with 20.11.41.19.B and C NMAC and 40 CFR 60 Subparts A, OOO, and IIII to allow the Department to determine compliance with the terms and conditions of the permit. These were the emission rates stated in the permit application and are the basis of the Department's review. Compliance will be based on Department inspections of the facility and upon compliance with the emission limits and opacity readings conducted in accordance with the test methods specified in Condition 6 – **Compliance Tests**.

a) The facility shall not exceed the emissions limits stated in the table below. Ton per year (tpy) emission limits shall be based on a 12-month rolling total.

Unit Emission Limits

Unit #	NOx		CO		VOC		SOx		TSP		PM ₁₀		PM _{2.5}		Percent Opacity*	Record Keeping Requirements ¹	Monitoring Requirements ¹	Reporting Requirements ¹	Compliance Testing ²
	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy					
1	--	--	--	--	--	--	--	--	0.16	0.23	0.077	0.11	0.012	0.016	*	Yes	Yes	Yes	No
2	--	--	--	--	--	--	--	--	0.16	0.23	0.077	0.11	0.012	0.016	*	Yes	Yes	Yes	No
3	--	--	--	--	--	--	--	--	0.33	0.46	0.15	0.22	0.023	0.033	*	Yes	Yes	Yes	No
4	--	--	--	--	--	--	--	--	0.38	0.53	0.13	0.18	0.045	0.063	7%	Yes	Yes	Yes	Yes
5	--	--	--	--	--	--	--	--	0.081	0.11	0.036	0.051	0.012	0.017	12%	Yes	Yes	Yes	Yes
6	--	--	--	--	--	--	--	--	0.045	0.063	0.017	0.023	0.0060	0.0084	7%	Yes	Yes	Yes	Yes
7	--	--	--	--	--	--	--	--	0.33	0.46	0.15	0.22	0.023	0.033	*	Yes	Yes	Yes	No
8	--	--	--	--	--	--	--	--	0.16	0.23	0.077	0.11	0.012	0.016	*	Yes	Yes	Yes	No

Unit #	NO _x		CO		VOC		SO _x		TSP		PM ₁₀		PM _{2.5}		Percent Opacity*	Record Keeping Requirements ¹	Monitoring Requirements ¹	Reporting Requirements ¹	Compliance Testing ²
	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy					
9	--	--	--	--	--	--	--	--	0.16	0.23	0.077	0.11	0.012	0.016	*	Yes	Yes	Yes	No
10	--	--	--	--	--	--	--	--	0.91	1.27	0.22	0.31	0.022	0.031	**	Yes	Yes	Yes	No
11	0.33	0.46	2.86	4.02	0.15	0.22	1.02	1.44	0.011	0.015	0.011	0.015	0.011	0.015	20% 40% start-up	Yes	Yes	Yes	No
Totals	0.33	0.46	2.86	4.02	0.15	0.22	1.02	1.44	2.73	3.83	1.02	1.46	0.19	0.26					

¹ Refer to Conditions 3, 4, and 5 for unit-specific record keeping, monitoring, and reporting requirements

² Refer to Condition 6 unit-specific compliance testing requirements

* Refer to Condition 1(j)(iv) for Units #1-3 and 7-9 opacity restrictions

** Refer to Condition 1(j)(vi) for Unit #10 opacity restrictions

- b) Process Equipment Units #4 and 6 and all affected transfer points shall not cause or allow fugitive emissions that exceed 7 percent opacity as specified in 40 CFR 60 Subpart OOO §60.672(b).
- c) Process Equipment Unit #5 shall not cause or allow fugitive emissions that exceed 15 percent opacity as specified in 40 CFR 60 Subpart OOO §60.672(b).
- d) Unit #11 shall not cause or allow visible air emissions from any stationary diesel powered engine to exceed 20 percent opacity for any six (6) minute timed average. During the first twenty (20) minutes of cold start-up, the visible emissions shall not exceed 40 percent opacity for any (6) minute timed average. No increase of load shall be applied so as to cause an emission having an opacity greater than 40 percent during any time interval. This condition is pursuant to 20.11.5.13.C NMAC.
- e) In accordance with 40 CFR 60 Subpart IIII §60.4204(b), owners and operators of 2007 model year and later non-emergency stationary CI ICE with a displacement of less than 30 liters per cylinder must comply with the emission standards for new CI engines in §60.4201, for their 2007 model year and later stationary CI ICE, as applicable. Unit #11 shall comply with the emission standards for new nonroad CI engines in 40 CFR 89.112, 40 CFR 89.113, 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same model year and maximum engine power.

3. **Record keeping**--Condition 3 has been placed in the permit in accordance with 20.11.41.19.B(4) NMAC, 20.11.41.19.C(8) NMAC, and 40 CFR 60 Subparts A, OOO, and IIII to allow the Department to determine compliance with the terms and conditions of the permit. Compliance will be based on Department inspection of records and logs.

- a) Maintain records of the daily, monthly, and annual throughput (in tons) for the facility. Monthly throughput records shall be maintained to calculate yearly throughputs based on a 12-month rolling period.
- b) Maintain a daily record of the number of hours of operation for the facility. These records shall include the start and stop times for each day of plant operation. Hours of operation records shall be maintained in order to calculate daily, monthly, and annual hours of operation.
- c) Maintain a monthly log of the number of hours of operation for Unit #11 based on a 12-month rolling period.
- d) Maintain a daily record of water application to raw material storage piles. If application of water is not required, the record shall indicate why application was not necessary (i.e. recent rain, snowfall, etc.).
- e) Maintain records of the application of gravel, millings, and water to vehicle traffic areas and haul roads.
- f) Maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility pursuant to 40 CFR 60 Subpart A §60.7(a)(7)(b).
- g) Pursuant to 40 CFR 60 Subpart OOO §60.674(b), maintain a monthly record of water spray system inspections, including the date of each inspection and any corrective actions taken.

This information shall be retained at the plant site for the most recent two-year period and shall be made available to Department personnel upon request.

4. **Monitoring**--Condition 4 has been placed in the permit in accordance with 20.11.41.19.B(4) NMAC, 20.11.41.19.C(8),(9) and (11) NMAC, and 40 CFR 60 Subparts A, OOO, and IIII to allow the Department to determine compliance with the terms and conditions of the permit. Compliance will be based on Department inspection of equipment and logs. The permittee shall install the appropriate equipment deemed necessary by the Department for performance testing and continuous emissions monitoring.

- a) Monitor the daily, monthly, and annual throughput (in tons) for the facility.
- b) Monitor the daily hours of operation of the facility.
- c) Install a non-resettable hour meter prior to the startup of Unit #11 and monitor hours of operation based on a 12-month rolling period.
- d) Monitor the application of water to raw material storage piles.
- e) Monitor the application of gravel, millings, and water to vehicle traffic areas and haul roads.
- f) Monitor the water spray system to ensure it is functioning properly and in operation while the facility is operating. Pursuant to 40 CFR 60 Subpart OOO §60.674(b), the owner or operator of any affected facility that uses wet suppression to control emissions from the affected facility must perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression system. The owner or operator must initiate corrective action within 24 hours and complete corrective action as expeditiously as practical if the owner or operator finds that water is not flowing properly during an inspection of the water spray nozzles.

5. **Reporting**-- Condition 5 has been placed in the permit in accordance with 20.11.41.21 NMAC and 20.11.90 NMAC to allow the Department to determine compliance with the terms and conditions of the permit. Compliance will be based on timely submittal of the reports, notifications, and required information and shall be made in accordance with 40 CFR 60 Subparts A, OOO, and IIII and 20.11.41.21 NMAC.

The permittee shall notify the Department in writing of:

- a) The anticipated startup of the source not less than thirty (30) days prior to that date (20.11.41.21.A(1) NMAC);
- b) The actual date of initial startup of the source within fifteen (15) days after the initial startup date (20.11.41.21.A(3) NMAC). Notification of the actual date of initial startup of each affected facility shall be postmarked within 15 days after such date and submitted to the Department. This shall be conducted in accordance with 40 CFR 60 Subpart A §60.7(a)(3);
- c) All information labeled “TBD” cited under Condition 1(a) within thirty (30) days of installation;
- d) Notification of the anticipated date for conducting the opacity observations required by 40 CFR 60 Subpart OOO §60.675(a)(2);
- e) Written reports of the results of all performance tests conducted to demonstrate compliance with the opacity observations made using EPA Method 9 to demonstrate compliance with 40 CFR 60 Subpart OOO §60.672(b) and performance tests conducted to demonstrate compliance with the opacity results shall be received by the Department within 30 days of completion of the compliance test;
- f) Any change in control or ownership, name, address, or contact information. The permittee may request an administrative permit revision in accordance with 20.11.41.28.A NMAC;
- g) Any permit update or correction as required by 20.11.41 NMAC no more than 60 days after the permittee knows or should have known about the condition that requires updating or correction of the permit (20.11.41.21.A(6) NMAC);
- h) Replacement of emission units for which an allowable emissions limit has been established in the permit may be requested through a technical permit revision in accordance with 20.11.41.28.B NMAC;
- i) An annual (January 1 through December 31 of the previous year) emissions inventory for the source together with descriptions of any reconfiguration of process technology and air pollution equipment by March 15 every year. The emissions inventory shall include annual hours of operation and the annual material throughput in tons. The emissions inventory shall be based on the emission factors provided in the application received on August 9, 2016;
- j) Any relocation of the aggregate plant at least 45 days prior to the date the permittee proposes to commence operations at a new location within Bernalillo County. The relocation application must be submitted on a form provided by the Department and shall include an ambient air dispersion modeling analysis demonstrating compliance with National Ambient Air Quality Standards (NAAQS) and New Mexico Ambient Air Quality Standards (NMAAQS) at the new location, unless the requirement is waived in writing by the Department. Operation and relocation of the plant at a new location shall not commence until the Department has approved the request for relocation; and,
- k) The permittee of a source having an excess emission shall provide the Department with the following reports on forms provided by the Department:
 - i. **INITIAL REPORT:** The permittee shall file an initial report, no later than the end of the next regular business day after the time of discovery of an excess emission pursuant to 20.11.49.15.A(1) NMAC;

- ii. **FINAL REPORT:** The permittee shall file a final report, no later than 10 days after the end of the excess emission. If the period of an excess emission extends beyond 10 days, the permittee shall submit the final report to the department within 72 hours of the date and time the excess emission ceased. This condition is pursuant to 20.11.49.15.A(2) NMAC and 20.11.49.15.C NMAC; and,
- iii. **ALTERNATIVE REPORTING:** If the facility is subject to the reporting requirements of 40 CFR Parts 60, 61, and 63 and the federal requirements duplicate the requirements of 20.11.49.15 NMAC, then the federal reporting requirements shall suffice. This condition is pursuant to 20.11.49.15.D NMAC.

6. Compliance Tests-- Condition 6 has been placed in the permit in accordance with 40 CFR 60 Subpart A - General Provisions, 20.11.41.22 NMAC, and 20.11.90.13 NMAC. Compliance will be based on the satisfactory completion of the compliance tests, the timely submittal of the emission unit test results to the Department, and on meeting the emission limits specified in Condition 2.

- a) In accordance with 40 CFR 60 Subpart OOO §60.8 – Performance tests, an initial performance test shall be conducted on Process Equipment Units #4, 5, and 6 and any affected transfer points to demonstrate compliance with the particulate matter opacity standards established in Condition 2(a). The compliance tests shall be conducted in accordance with EPA Method 9 found in Appendix A of 40 CFR 60 and the procedures found in 40 CFR 60 Subpart A §60.11. These tests shall be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Department.
- b) Initial and annual compliance testing requirements for Unit #11 have not been imposed at this time.
- c) Compliance tests and a testing schedule may be re-imposed (or imposed) if inspections of the source indicate non-compliance with permit conditions or the previous test showed non-compliance or was technically unsatisfactory. All compliance tests shall be conducted in accordance with EPA Methods contained in Appendix A of 40 CFR 60, unless otherwise approved by the Department.
- d) For all compliance tests, the owner or operator shall notify the Department at least fifteen (15) days prior to the test date and allow a representative of the Department to be present at the test (20.11.41.22 NMAC and 40 CFR 60 Subpart A - General Provisions).
- e) For all compliance tests, the permittee shall provide for the Department's approval a written test protocol at least fifteen (15) days prior to the anticipated test date. The protocol shall describe the test methods to be used (including sampling locations), and shall describe data reduction procedures. Any variation from the established sampling and analytical procedures or from facility operating conditions shall be presented for Department approval.
- f) For all compliance tests, the test protocol and compliance test report shall conform to the standard format specified by the Department.
- g) All compliance tests shall be conducted at ninety (90%) percent of the unit's permitted capacity or greater to demonstrate compliance with the permitted emission limits. Compliance testing at other than 90% production levels shall be performed at the Department's request and/or approval.
- h) One copy of the compliance test results shall be submitted to the Department Enforcement Section within thirty (30) days after the completion of testing.

Unit Specific Compliance Testing

Unit Number	Initial Compliance Test	Frequency of Compliance Tests
4, 5, 6 and affected transfer points	Yes, for opacity	Not required*
11	Not required*	Not required*

*Compliance tests have not been imposed for this unit at this time, but may be imposed if inspections of the source indicate non-compliance with permit conditions.

7. **Modifications**-- Condition 7 has been placed in the permit in accordance with 20.11.41.7.U NMAC to enable the Department to review proposed changes to the facility which may constitute a permit modification prior to such changes. Compliance will be based on Department inspections and the submittal of a new permit application for any modification.
- a) Any future physical changes or changes in the method of operation which results in an increase in the pre-controlled emission rate may constitute a modification as defined by 20.11.41.7.U NMAC. No modification shall begin prior to issuance of a permit. Modifications or revisions to this permit shall be processed in accordance with 20.11.41 NMAC.
8. **Compliance Assurance/Enforcement**-- All air pollution emitting facilities within Bernalillo County are subject to all applicable Albuquerque/Bernalillo County Air Quality Control Regulations, whether listed in this permit or not.
- a) The issuance of a permit or registration does not relieve the Facility from responsibility of complying with the provisions of the Air Quality Control Act, and the laws and regulations in force pursuant to the Act (20.11.41.18 NMAC).
- b) Any conditions imposed upon the Facility as the result of a Construction Permit or any other permit issued by the Department shall be enforceable to the same extent as a regulation of the Board (20.11.41.19.D NMAC).
- c) The Department is authorized to issue a compliance order requiring compliance and assessing a civil penalty not to exceed Fifteen Thousand and no/100 Dollars (\$15,000) per day of noncompliance for each violation, commence a civil action in district court for appropriate relief, including a temporary and permanent injunction (74-2-12 NMSA).
- d) Scheduled and Unscheduled Inspection (74-2-13 NMSA)-- The Department will conduct scheduled and unscheduled inspections to insure compliance with the Air Quality Control Act, the laws and regulations in force pursuant to the Act, and this Permit, and, upon presentation of credentials:
- i. Shall have a right of entry to, upon, or through any premises on which an emission source is located or on which any records required to be maintained by regulations of the Board or by any permit condition are located;
 - ii. May at any reasonable time have access to and copy any records required to be established and maintained by Regulations of the Board, or any permit condition;
 - iii. May inspect any monitoring equipment and method required by Regulations of the Board or by any permit condition; and,
 - iv. Sample any emissions that are required to be sampled pursuant to Regulation of the Board, or any permit condition.

- e) Any credible evidence may be used to establish whether the facility has violated or is in violation of any regulation of the Board, or any other provision of law. Credible evidence and testing shall include, but is not limited to (20.11.41.27A and B NMAC):
- i. A monitoring method approved for the source pursuant to 20.11.42 NMAC “Operating Permits” and incorporated into an operating permit;
 - ii. Compliance methods specified in the Regulations, conditions in a permit issued to the facility, or other provision of law;
 - iii. Federally enforceable monitoring or testing methods, including methods in 40 CFR Parts 51, 60, 61, and 75; and,
 - iv. Other testing, monitoring or information-gathering methods that produce information comparable to that produced by any CFR method and approved by the Department and EPA.
9. **Posting of the Permit**-- Compliance will be based on Department inspections of the facility, which show that a copy of the permit has been posted in a visible location. A copy of this permit shall be posted in a visible location at the plant site at all times. The permit shall be made available to Department personnel for inspection upon request.
10. **Annual Fees**-- Condition 10 has been placed in the permit in accordance with 20.11.2 NMAC to allow the Department to determine compliance with the terms and conditions of the permit. Compliance will be based on the receipt of the annual emissions fee due each year to the Department pursuant to 20.11.2 NMAC. Every owner or operator of a source that is required to obtain a Source Registration, a Construct Permit, an operating permit, or a preconstruction permit shall pay an annual emissions fee pursuant to 20.11.2 NMAC, 20.11.40 NMAC, 20.11.41 NMAC, 20.11.42 NMAC, 20.11.60 NMAC, 20.11.61 NMAC, or 20.11.62 NMAC.

**Facility Wide Fee Pollutants
(Tons Per Year)**

Fee Pollutant	Facility Wide Fee Pollutant Totals in Tons per Year (TPY)
Carbon Monoxide (CO)	4
Oxides of Nitrogen (NO _x)	0*
Volatile Organic Compounds (VOC)	0*
Oxides of Sulfur (SO _x)	1
Total Suspended Particulate Matter (TSP)	4
Facility Wide Fee Pollutants Totals (TPY)	9

*Emissions negligible regarding fees and are rounded to zero tpy.

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II. ADDITIONAL REQUIREMENTS

1. **Permit Cancellation**-- The Department may cancel any permit if the construction or modification is not commenced within two (2) years from the date of issuance or if, during the construction or modification, work is suspended for a total of one (1) year pursuant to 20.11.41.20.B NMAC.

Application for permit modifications, relocation notices, and items listed under **ADDITIONAL REQUIREMENTS** shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Program
Permitting Section
P.O. Box 1293
Albuquerque, New Mexico 87103

Test protocols and compliance test reports shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Program
Attention: Enforcement Supervisor
P.O. Box 1293
Albuquerque, New Mexico 87103

All reports shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Program
Attention: Compliance Officer
P.O. Box 1293
Albuquerque, New Mexico 87103